

ORIGINAL

GARY R. CLOUSE (Bar No. 111055)  
 gclouse@icclawfirm.com  
 ISAACS CLOUSE CROSE & OXFORD LLP  
 3110 Main Street, Suite 210  
 Santa Monica, California 90405  
 Telephone: 310-458-3860

OF COUNSEL  
 SIMMS SHOWERS LLP  
 J. Stephen Simms  
 jssimms@simmsshowers.com  
 Marios J. Monopolis  
 mjmonopolis@simmsshowers.com  
 20 South Charles Street, Suite 702  
 Baltimore, Maryland 21201  
 Telephone: 410-783-5795

Attorneys for Plaintiff  
 CRONOS CONTAINERS LIMITED

UNITED STATES DISTRICT COURT  
 CENTRAL DISTRICT OF CALIFORNIA

CRONOS CONTAINERS LIMITED,

Plaintiff,

vs.

WINLAND SHIPPING CO LTD, *et al.*,

Defendants,

and

CARGILL, INCORPORATED, *et al.*,

Garnishees.


Case No. **CV14-0839** PA-FFM<sub>a</sub>

IN ADMIRALTY

**PLAINTIFF'S EX PARTE  
 APPLICATION AND MEMORANDUM  
 FOR AN ORDER AUTHORIZING  
 ISSUE OF PROCESS OF MARITIME  
 ATTACHMENT AND GARNISHMENT,  
 PURSUANT TO SUPPLEMENTAL  
 MARITIME AND ADMIRALTY  
 RULE B**

Plaintiff CRONOS CONTAINERS LIMITED ("Cronos") hereby applies pursuant to  
 Supplemental Admiralty and Maritime Rule B for an order directing the Clerk to issue process of  
 maritime attachment of garnishment on the filing of plaintiff's Verified Complaint, for

Ex Parte Application and Memorandum for Issue of Process of Maritime Attachment and

2014 FEB -3 PM 4:25  
 CLERK U.S. DISTRICT COURT  
 CENTRAL DIST. OF CALIF.  
 LOS ANGELES  
 BY: 

FILED

*lodged prep cost*

1 attachment, and seizure of property of Defendants, including, accounts owing to Defendants by  
2 the Garnishees (herein collectively, the "Property").

3 As detailed in the Verified Complaint, Cronos is owed amounts arising out of the lease of  
4 ocean marine cargo containers for use on and in to the operation of Defendants' owned and  
5 chartered ocean vessels. Cronos reasonably believes after research that the Garnishees are  
6 regular customers of Defendants and therefore owe accounts to Defendants, all of whom are  
7 subject to service directly or through agents in this District.  
8

9 Rule B of Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal  
10 Rules of Civil Procedure, provides in pertinent part as follows:

11 (b) The plaintiff or the plaintiff's attorney must sign and file with the complaint an  
12 affidavit stating that, to the affiant's knowledge, or on information and belief, the  
13 defendant cannot be found within the district. The court must review the  
14 complaint and affidavit and, if the conditions of this Rule B appear to exist, enter  
15 an order so stating and authorizing process of attachment and garnishment. The  
16 clerk may issue supplemental process enforcing the court's order upon application  
17 without further court order.

18 (c) If the plaintiff or the plaintiff's attorney certifies that exigent circumstances  
19 make court review impracticable, the clerk must issue the summons and process  
20 of attachment and garnishment. The plaintiff has the burden in any post-  
21 attachment hearing under Rule E(4)(f) to show that exigent circumstances existed.

22 (d)(i) If the property is a vessel or tangible property on board a vessel, the  
23 summons, process, and any supplemental process must be delivered to the  
24 marshal for service.

25 The Verified Complaint filed concurrently herewith satisfies the requirements of Rule B.  
26 Defendant is not "present" in this District for the purposes of Rule B.  
27  
28

1 Cronos therefore respectfully requests that this Court now issue the Supplemental Rule B  
2 writs as requested, and herewith files a draft Order for issue of the Supplemental Rule B writs.

3 Dated: January 27, 2014

4 Respectfully Submitted,

5  
6 /s/ Gary R. Clouse

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8 GARY R. CLOUSE (Bar No. 111055)  
9 gclouse@icclawfirm.com  
10 ISAACS CLOUSE CROSE & OXFORD LLP  
11 3110 Main Street, Suite 210  
12 Santa Monica, California 90405  
13 Telephone: 310-458-3860

14 Cronos Counsel

15 OF COUNSEL

16 SIMMS SHOWERS LLP  
17 J. Stephen Simms  
18 jssimms@simmsshowers.com  
19 Marios J. Monopolis  
20 mjmonopolis@simmsshowers.com  
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22 Baltimore, Maryland 21201  
23 Telephone: 410-783-5795  
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